IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1628 OF 2005

Mohammed Khalil Ahmed Bhamla ..Petitioner

versus

State of Maharashtra & Ors. ..Respondents

Petitioner present in person.

Mr. Prakash Naik for the Respondent Nos. 3 and 4.

Mr. H. V. Mehta for Respondent No.5.

Mrs. A. S. Pai, APP for the State.

CORAM : D. G. DESHPANDE, &
S. A. BOBDE, JJ.

DATE : 17TH JULY, 2006

P.C. :

1. Heard the party in person i.e. the petitioner, and Counsel for the Respondents and learned APP for the State.

2. By this Court's Order (R.M.S. Khandeparkar & R.S. Mohite, JJ.) dated 22.12.2005 interim custody of the child Abdul Razzak was granted to the grand mother of the child. The grand mother Smt. Najma Khan is present in Court. She states that the

child is in Mira Road, and taking education and admitted to Sardar Vallabhbhai Patel School, at Mira Road. In the said Order it was also observed that the petitioenr may approach the Competent Court. When this was brought to the notice of the petitioner, he agreed to move the Competent Court for redressal of his grievances regarding custody interim or whatever grievance he has in respect of the child and against the mother. Therefore, the petition along with all the pending applications therein, is allowed to be withdrawn.

3. We record the statement of the grand mother Smt. Najma Khan that if any notice from the Competent Court in respect of the child is issued by the Competent Court in any petition filed by the petitioner, she will receive it and she will also produce the child before the said Court as and when called by the said Court. She will not take the child out of Mumbai and Thane District.

4. Competent Court shall decide the issues without being influenced by any of the orders passed by this court and observations made therein.

5. Mother or grand mother of the child may apply to the competent court for return of the passport of the child.

5. Petitioner can apply for return of his passport, which is deposited in this Court, and office to return his passport as per the Rules.

(D.G. DESHPANDE, J.)

(S.A. BOBDE, J.)